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May 1, 2020

Via ECF

The Honorable Kimba M. Wood
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Joseph Meli*, S1 17 Cr. 127 (KMW)
Motion for Release Pursuant to 18 U.S.C. § 3582(c)(1)(A)

Dear Judge Wood,

We respectfully submit this letter and the attached exhibit as a supplement to Mr. Meli's motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A). In its opposition to Mr. Meli's motion, the government concedes that Mr. Meli suffers from conditions that render him at high-risk of death or serious complications were he to contract COVID-19, but it argues that Mr. Meli's risk of contracting COVID-19 is adequately mitigated by the "significant efforts" the BOP has made to respond to the threat posed by COVID-19. *See Gov't Opp.* at 17-20. This is simply false.

The BOP has failed to adhere to both basic infection control and CDC guidelines, which "serve[s] to work against any measures taken by the MDC to mitigate the spread of COVID-19." *See Affidavit of Homer Venters*, dated April 30, 2020, Annexed Hereto at "Exhibit A" at ¶ 46; *see also id.* at ¶ 41 ("The CDC has identified basic guidelines for infection control and overall COVID-19 response in detention settings, many of which the MDC appears to have ignored.").

Furthermore, based on his "physical inspection of the MDC, it is [Dr. Venters's] assessment that current practices in MDC do not adequately identify and protect detainees who are particularly vulnerable to the effects of COVID-19 due to their high-risk underlying medical conditions. This is despite the fact that the facility is aware that many such high-risk detainees exist." *Id.* at ¶ 51.

Every day that Mr. Meli, an individual with high-risk underlying medical conditions, is incarcerated at MDC poses a threat to his life and health. This Court should grant Mr. Meli's motion in order to alleviate these threats.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'C. Castro', with a stylized flourish at the end.

César de Castro
Valerie A. Gotlib

cc: Elisha J. Kobre
Assistant United States Attorney (*via* ECF)